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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 (OAKLAND DIVISION)

11 OPERATING ENGINEERS' PENSION
12 TRUST FUND; F.G. CROSTHWAITE and
13 RUSSELL E. BURNS, as Trustees,

14 Plaintiffs,

15 vs.

16 TERRASEARCH, a California Corporation, 3
17 MAK, LLC, a California Limited Liability
Company, and DOES 1-20,

18 Defendants.
19

Case No.: CV 10-04964 SBA (LB)

**STIPULATION CONTINUING
HEARING ON MOTION TO SET
ASIDE DEFAULT; ~~PROPOSED~~
ORDER**

Date: September 25, 2011

Time: 11:00 a.m.

Ctrm: 4, 3rd Floor

Judge: Honorable Laurel Beeler

20 Defendants filed their Motion to Set Aside the Default ("MSAD") on June 22, 2011.
21 Docket No. 43. The MSAD was referred to Magistrate Judge Beeler for report and
22 recommendation on June 24, 2011. Docket No. 44. Judge Beeler issued an Order setting the
23 hearing on the MSAD for September 1, 2011, with Plaintiffs' Opposition due July 18, 2011, and
24 Defendants' Reply Brief due July 25, 2011. Docket No. 47. Pursuant to a stipulation between the
25 parties and this Court's Order, the hearing on the motion was continued to September 25, 2011,
26 with the opposition due August 25, 2011, and reply brief due September 1, 2011. Docket 51.
27 Defendants are continuing to provide information and documents to Plaintiffs in an attempt to
28

1 resolve this matter. Additionally, the parties are attempting to negotiate a stipulated judgment and
2 if the parties stipulate to a judgment the MSAD will become moot.

3 As such, the parties hereby stipulate to continue the hearing on the MSAD to October 6,
4 2011, at 11:00 a.m., and further stipulate that Plaintiffs' Opposition shall be due on September 15,
5 2011, and Defendants' Reply Brief shall be due on September 22, 2011.

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7 Dated: August 23, 2011

SALTZMAN & JOHNSON LAW CORPORATION

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9 By: /s/
10 Shaamini A. Babu
11 Attorneys for Plaintiff

12 Dated: August 23, 2011

LITTLER MENDELSON P.C.

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14 By: /s/
15 Stephen C. Tedesco
16 Attorneys for Defendants

17 IT IS SO ORDERED.

18 Based on the foregoing, and good cause appearing, the hearing on Defendants' Motion to
19 Set Aside Default is hereby calendared for October 6, 2011, at 11:00 a.m. Plaintiffs' Opposition
20 shall be filed by September 15, 2011, and Defendants' Reply Brief shall be filed by September 22,
21 2011.

22 Date: August 24, 2011

